

PATENT
Serial No. 10/056,362
Amendment in Reply to Non-Final Office Action of January 14, 2005
Confirmation No. 8037

REMARKS

This application has been reviewed in light of the Office Action mailed on June 25, 2004. Claims 1-16 pending in the application with Claims 1, 11, 12, 13, 15 and 16 being in independent form. Claims 1-16 are rejected. By means of the present amendment, Claim 5 has been canceled and Claims 17-18 have been added. No new matter or issues are believed to be introduced by the amendments.

(1) In the Office Action, Claim 5 was rejected under 35 U.S.C. §112, first paragraph. The Office Action states that the Specification, while enabling for using absolute values to detect moving information as claimed in element (iii) of claim 15, does not reasonably provide enablement for using absolute values to detect elements (i) or (ii) of claim 1. In response, Applicants wish to point out that Claims 5 and 8 are directed to the detection of element (iii), with Claim 5 being directed to the embodiment illustrated in Figs. 3 and 8 and Claim 8 being directed to the embodiment of Figs. 4 and 9. As such, Claims 5 and 8 have been cancelled and rewritten as dependent Claims 17 and 18, respectively, dependent upon independent Claim 15 which includes element (iii). Accordingly, withdrawal of the rejection is respectfully requested.

(2) In the Office Action, Claims 1, 9-12, 15 and 16 were rejected under 35 U.S.C. §102(a) as being anticipated by U.S. Patent No. 6,446,261 B1 to Rosser. These claims are deemed to be patentable for at least the reasons given below.

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The Examiner maintains that Rosser allegedly anticipates Applicant's Claim 1.

Applicant's respectfully disagree with the rejection of Claim 1 under 35 U.S.C. §102(a), as being anticipated by Rosser. Applicant's respectfully submit that Rosser does not teach Applicant's system as set forth in Claim 1.

Rosser is directed to a live video insertion system (LVIS) split into two functional parts. An upstream, "master" part performs recognition and occlusion mask generation. The upstream "master" part sends information downstream along with various control parameters, to a less computationally endowed downstream "slave" part, capable of warping inserts to correctly match the current image, and correctly mix the original video, warped insert and occlusion mask. The downstream part is typically a set-top device in a viewer's home. The downstream part includes a viewer usage recorder or monitor, at the viewer location for monitoring television usage patterns and responsively updates a usage profile.

The Examiner cites Rosser at Col. 5 lns. 7-13 and 44-48 for allegedly teaching: "*detection means for detecting whether at least one of the following criteria is fulfilled for display information being displayed in a portion of the display screen*". The Examiner maintains that the phrases "viewer usage monitor" and "triggers" both inherently correspond to detection means. However, the Examiner appears to fail to appreciate what is being detected in the invention. The detection means of the invention, as recited in Claim 1, is explicit with regard to what is being detected. Specifically, as stated above, Claim 1 recites that detection means are provided to detect the fulfillment of one of two criteria, criteria (i) or (ii) for display information being displayed in a portion of the display screen. It is respectfully submitted that while Rosser may use terminology that loosely connotes "detection means", the terms cited by the Examiner in

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the Office Action do not implicitly or explicitly teach detection means for the purpose of detecting either of criteria (i) or (ii), as recited in Claim 1. In the Office Action, the Examiner relies on the specific terms "viewer usage monitor" and "triggers", in support of the assertion that detection means is taught in Rosser. Applicants respectfully disagree. First, the phrase "viewer usage monitor", as used in Rosser, is directed to the "detection" of a user's television usage patterns such as type of programs the user watched, the time of day and week of viewing and so on. Rosser discloses at Col. 3, lns. 45-62:

Anonymous Target Profiling does not require a centralized database of all potential clients. Instead, there is a viewer usage recorder or monitor, located at the viewer location, and a viewer usage interpreter or key, supplied with the broadcast. The viewer usage recorder or monitor is a system which monitors television usage patterns and stores a continuously updated version of a usage profile. The set-top device is an ideal place to locate a viewer usage monitor. In a simple form, the viewer usage monitor would classify programs (or channels) and record a rolling viewing profile of viewing habits, including type of program watched, time of day and day of the week of viewing the program and duration of that viewing. More complex models of viewer usage may also include programs not watched, intensity of viewing (i.e. volume adjustments), surfing patterns (i.e. what video snippets arrest the attention of a channel surfer, even for a short time) and other more subtle aspects of viewer interaction with the medium. [Emphasis Added]

As evidenced from the disclosure at Col. 3, lns. 45-62, Rosser does not teach or disclose "detection means" for detecting either of criteria (i) or (ii), as recited in Claim 1. That is, Rosser does not teach or suggest detection means for detecting whether at least a part of display information is sourced from (i) an application is one of a group of applications indicating that non-synthetic information is displayed, in which the application is not a picture viewer, or (ii) an extension of a file is one of a group of extensions indicating that non-synthetic information is displayed.

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Second, with regard to the term "triggers" as used in Rosser, Rosser teaches at Col. 5, lns. 44-48 that usage of the additional features provided by a "smart" television may be used as the "trigger" for showing live or still video advertisements, either before or after the feature is used, or as a border advertisement or live video insertion. The features being referred to including, for example, the instant replay feature. For example, a user instantiates the replay feature (i.e., a trigger) and may be shown an advertisement either before or after the replay feature is used. Based on the foregoing, it is respectfully submitted that the term "triggers" does not teach or suggest "detection means" for detecting either of criteria (i) or (ii). Detection means as used in the present context is directed to detecting a special feature which is the trigger or source for the display of advertising content in a smart TV application.

Claim 1 is further distinguishable from Rosser for at least the following reason. The Examiner cites Rosser at Col. 5, lns. 24-30 for allegedly teaching "*enhancement means for enhancing the display information being displayed in said portion of the display screen if at least one of criteria (i) and (ii) are true*". Applicant's respectfully disagree with this assertion. Col. 5, lns. 24-30 is directed to a warping operation whereby the less computationally endowed downstream "slave" part of the two-part LVIS video insertion system of Rosser is capable of warping video inserts, performed upstream, to correctly match the current image, and correctly mix the original video, warped insert and occlusion mask. In other words, Rosser teaches at Col. 5, lns. 24-30 that if a broadcaster were to include multiple windows in a "smart" TV application, those multiple windows could be re-sized, magnified, etc., in accordance with warping operations performed by the downstream slave LVIS system. It is therefore submitted that there is no teaching or suggestion in Rosser of enhancement means directed to the enhancement of

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display information on the condition that "at least one of criteria (i) and (ii) is true", as recited in Claim 1.

Accordingly, Applicants respectfully request that the rejection under 35 U.S.C. §102(a) with respect to Claim 1 and allowance thereof is respectfully requested.

Additionally, Claims 9-10 depend from independent Claim 1 and therefore contain the limitations of Claim 1. Hence, for at least the same reasons given for Claim 1, Claims 9-10 are believed to be allowable over Rosser. Accordingly, withdrawal of the rejection under 35 U.S.C. §102(a) with respect to Claims 9-10 and allowance thereof is respectfully requested.

Independent Claim 11, 15 and 16 recite similar subject matter as Claim 1 and therefore contain the limitations of Claim 1. Hence, for at least the same reasons given for Claim 1, Claims 11, 15 and 16 are believed to recite statutory subject matter under 35 U.S.C. §102(a).

Additionally, Claim 12 depends from independent Claim 11 and therefore contain the limitations of Claim 11. Hence, for at least the same reasons given for Claim 11, Claim 12 is believed to be allowable over Rosser. Accordingly, withdrawal of the rejection under 35 U.S.C. §102(a) with respect to Claim 12 and allowance thereof is respectfully requested.

(2) In the Office Action, Claims 2-4 and 7 were rejected under 35 U.S.C. §103(a) as being disclosed by Rosser as applied to Claim 1 above, and further in view of U.S. Patent No. 6,414,693 B1 to Berger et al. (Berger).

Claims 2-4 and 7 depend from independent Claim 1 and therefore contain the limitations of Claim 1 and are believed to be in condition for allowance for at least the same

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reasons given for Claim 1. Accordingly, withdrawal of the rejection under 35 U.S.C. §103(a) and allowance of Claims 2-4 and 7 is respectfully requested.

(3) In the Office Action, Claim 6 is rejected under 35 U.S.C. §103(a) as being disclosed by Rosser as applied to Claim 1 above, and further in view of Berger and further in view of Official Notice.

Claim 6 depends from independent Claim 1 and therefore contain the limitations of Claim 1 and is believed to be in condition for allowance for at least the same reasons given for Claim 1. Accordingly, withdrawal of the rejection under 35 U.S.C. §103(a) and allowance of Claim 6 is respectfully requested.

(4) In the Office Action, Claims 8, 13 and 14 were rejected under 35 U.S.C. §103(a) as being disclosed by Rosser as applied to Claim 1 above, and further in view of U.S. Patent No. 5,258,828 to Sano et al. (Sano).

Claim 8 depends from independent Claim 1 and therefore contain the limitations of Claim 1 and is believed to be in condition for allowance for at least the same reasons given for Claim 1. Accordingly, withdrawal of the rejection under 35 U.S.C. §103(a) and allowance of Claim 8 is respectfully requested.

In rejecting independent Claim 13, the Examiner correctly noted that Rosser does not appear to disclose a display apparatus comprising detection means which further comprises: an integrator, a sample-and-hold means and a comparator. Sano is cited in an attempt to remedy this deficiency. However, it is respectfully submitted that Rosser and Sano, alone and in

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combination, do not teach or suggest detection means for deciding whether only a part of the display information corresponding to an area of the display screen has to be enhanced based on a difference value computed between data words corresponding to the area of the display screen to be enhanced at a first instant in time and at a second instant in time, as recited in Claim 13. The Examiner alleges that it is disclosed in Claim 1 and inherent in Rosser's "smart" TV, set-top device, etc....

Rosser discloses the use of picture-in-picture as an enhancement feature to be provided by a network to offer full video to its advertisers. There is no teaching or disclosure in Rosser of determining whether a portion of the display information requires enhancement based on difference values. Rosser is silent in this regard. Rosser teaches that a network may accommodate an advertiser by offering full video in picture-in-picture, for example, utilizing extra channels and tuners. This value added enhancement does not require that the network making such an offering detect difference values in a screen display. As such, there is no explicit teaching or suggestion in Rosser or Sano, alone and in combination, for deciding whether only a part of the display information corresponding to an area on the screen must be enhanced based on difference values, as recited in Claim 13. Such a determination is required only in the case where the content being displayed is unknown which is not relevant in the cited references. As taught by the references, the network controls the broadcast content and has no need to make a determination regarding the detection of difference values. In other words, the network is the entity offering the picture-in-picture service and is in full control of the offering of enhancement services. As provider of the content there is no question regarding whether a portion of the display is displaying particular types of information or not.

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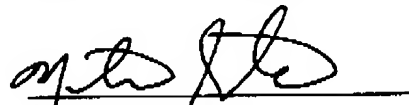
Accordingly, applicant respectfully requests that the rejection under 35 U.S.C. §103(a) with respect to Claim 13 and allowance thereof is respectfully requested.

Additionally, Claim 14 depends from independent Claim 13, respectively and therefore contain the limitations of Claim 13. Hence, for at least the same reasons given for Claim 13, Claim 14 is believed to be allowable over Heard in view of the Official Notice. Accordingly, withdrawal of the rejection under 35 U.S.C. §103(a) with respect to Claim 14 and allowance thereof is respectfully requested.

In view of the foregoing amendments and remarks, it is respectfully submitted that all claims presently pending in the application, namely, Claims 1 – 18 are believed to be in condition for allowance and patentably distinguishable over the art of record.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to call Dicron Halajian, Esq., Intellectual Property Counsel, Philips Electronics North America Corp., at 914-333-9607.

Respectfully submitted,


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